

Censorship, Subjugation, or Regulation:  
The Challenges of New Media on Free Speech and Independent Thought

At the 2020 Camden Conference, *The Media Revolution: Changing the World*, audience members heard from several speakers including journalists, researchers, and professors in the fields of communications, journalism, politics, and data science. Throughout the conference, a few themes emerged. First was the observation that while new media platforms such as social media give unprecedented power to individuals, these platforms also provide a mechanism by which the public can easily be surveilled and manipulated. Second was the danger of foreign interests and fringe groups' use of such platforms to influence public opinion and the political process. Interwoven into the first two points was commentary on the erosion of trust in institutions themselves, not the least of which are traditional news media and journalism. Concerns with the power and reach of new media beg the question of if and how democratic governments should regulate cyberspace. If the United States is to confront the problems of misinformation, harassment, polarization, and election fraud while preserving its democratic ideals, it must work to reform and/or regulate traditional news and social media platforms themselves, rather than taking the favored authoritarian approach of public surveillance and censorship.

Nicco Mele, of Harvard Kennedy School, opened the Camden Conference with a keynote address called, "Remember Rule Number one: It Will Get Crazyier". In his address he offered that new media, "pushes power from institutions to individuals", and then diffuses that power to the algorithm (Mele). While cyberspace does provide a novel platform for civilians to communicate with a global audience, the mechanics of the platforms themselves are problematic. For instance,

a social media news feed is custom generated, based on complex algorithms which are not only proprietary (and secret), but also ever-changing; and the sociological and political implications of this process are only beginning to be studied (Cohen pp. 139-151). Users on platforms like Facebook, Twitter, and Instagram are fed ads, articles, and posts similar to others they have interacted with previously. Due to the structure of network configurations like the option to “friend” or “unfriend”, users unwittingly find themselves participating in online echo-chambers. Both online and offline interests, search patterns, shopping trends, and even personal conversations contribute to the customization of users’ news feeds and personalize the ads and pages that are targeted to them. (Cohen pp. 139-151).

While the use of algorithms to enhance social media users’ online experience and provide platforms with the data they need to personalize targeted ads may be perceived as mostly harmless, researchers like New York University’s Professor of Politics, Josh Tucker, are sounding the alarm. During his talk at the Camden Conference, titled, “Social Media, Democracy, Fake News and Fact-checking”, Tucker built on Mele’s point when he added that, yes, “social media democratizes access to information... [and] gives a voice to the voiceless”, but it also provides a “tool for censorship” (Tucker). Shoshana Zuboff, professor emerita at Harvard Business School and author of *The Age of Surveillance Capitalism*, refers to Facebook’s model as an, “unprecedented means of behavior modification that operates covertly, at scale, and in the absence of social or legal mechanisms of agreement, contest and control” (Starr). Perhaps the most egregious example of the use of social media as a behavior modification device yet observed in a democracy unfolded during the 2016 United States presidential elections.

In the beginning of 2018, allegations began to surface regarding the use of Facebook data by a large consulting firm called Cambridge Analytica to influence the U.S.’s 2016 election

results. By analyzing data obtained through surveys, personality tests, friend networks, and other patterns of behaviors and preferences, the firm was able to predict political leanings and then target their messaging to sway individual opinion and voting choices (Larson). Cambridge Analytica and their parent company, SCL, may have used the same tactics in the U.K. during the pivotal Brexit campaign and in the 2014 Indian election of Prime Minister Narendra Modi as well (Scott; Perera). Cambridge Analytica was not the only player intent on using social media to influence the 2016 election, as Amy Zegart and Michael Morell explored in their article for *Foreign Affairs*, “Spies, Lies, and Algorithms: Why U.S. intelligence Agencies Must Adapt or Fail”.

In their article, Zegart and Morell observe that while U.S. intelligence agencies were aware of Russian attacks well before the 2016 presidential election they, “missed Russia’s most important tool: the weaponization of social media”— even though U.S. intelligence officials were aware of Russia’s use of social media to spread propaganda domestically. The sluggish and soft response on behalf of the U.S. in the light of foreign meddling, according to Zegart and Morell, only serves as a warning of “what lies ahead if the intelligence community doesn’t adapt to today’s rapid technological breakthroughs”. The United States government failed to prevent foreign meddling in its election process and has since done little to address the ability of a foreign government to interfere in future elections. Given the increasingly ubiquitous nature of social media and internet technologies throughout much of the world, and its use by government officials, individuals, and organizations of all kinds, Zegart and Morell argue that the intelligence community and U.S. technology companies must work closely together to develop strategies for addressing the rise of misinformation which is so pervasive in the current media stream. In addition to the need for cooperation between technology companies and the intelligence

community, there is also a need for increased cooperation, transparency, and accountability by social media platforms and traditional news media alike.

Kathleen Hall Jamieson's talk at the 2020 Camden Conference, as well as her book, *Cyber-war: How Russian Hackers and Trolls Helped Elect a President*, evaluate the media's role in enabling the Russian agenda in the 2016 presidential election. According to Jamieson, Russian actors used America's lack of media regulation and values of free speech and freedom of the press against it to infiltrate the U.S. election process (Jamieson, p. 11). The process by which the U.S. media enabled Russian interference in a U.S. election was detailed in her Camden Conference talk, "Cyberwar: Coping with the Challenges Posed by Trolls and Hackers". According to Jamieson, the first step was that the influx of leaked documents from Julian Assange (but misleadingly attributed to WikiLeaks, who had more public trust) drew attention and resources away from journalists and media outlets, and on to sensationalized headlines. The second step was that the leaked material media outlets focused so intensely on were private communications between individuals, which were largely taken out of context. With no regulations in place for how to handle leaked documents, and funding reliant upon ratings, reporters rushed to be the first to break the stories, rather than waiting to confirm sources before publishing. In the current information age, with so much personal data being stored online and the ever-present risk of being hacked, Jamieson argues that journalists and news outlets need to update their training standards and reevaluate the handling of sensitive information such as hacked material. She is not alone in that analysis.

Maria A. Ressa, of Rappler.com (a leading Pilipino news outlet), like Jamieson, expressed concerns regarding the impact of social media as a source of news and public platform, the decline in trust in traditional news outlets due to "fake news" rhetoric, and the need

for regulation during her Camden Conference presentation, “Fighting Back with Data”. As a journalist and CEO of a news outlet in the Philippines, Ressa has been the victim of online harassment and threats of sexual violence. In her talk, she highlighted the prevalence of online threats of violence and the use of incriminating and often sexually humiliating deepfakes, which use online images to create doctored pornographic images to blackmail and intimidate women into silence in the Philippines. Her perspective on the clash between freedom of speech and the new frontier of social media is that “the first amendment doesn’t work when there’s no regulation of the marketplace” (Ressa). Ressa asserts that “freedom of speech is not freedom of reach”, implying that not all speech is deserving of a platform. In the U.S. there are no legal restrictions against speech outside of direct threats of physical harm—and even then, there is room for dispute and interpretation depending on the perceived intent and context (Khoury). Some platforms, however, have stepped up to the plate to regulate hateful and/or threatening speech through their community standards and terms and conditions for use. Some might argue that any internet censorship, including the regulating of hateful or threatening speech, is an infringement on first amendment rights. Given the power of media to inform and/or influence society and its usefulness as a tool for organizing, both on and offline, careful consideration must be given to the regulation and dissemination of information.

One of the more well-known examples of the potential for social media platforms to influence culture and propel a movement is the use of such tools in organizing protests throughout the Arab Spring. Of course, the internet played a pivotal role in synchronizing and unifying protests throughout the region. But how much did media *influence* the rebellions? A 2018 study out of Eastern Washington University’s College of Business and Public Administration examined the impacts of Arab countries’ exposure to Western ideals through

media and advertising. The study concluded that the cultural shifts taking place in the Arab world may be traced back to the exponential increase in exposure to international advertising, social media, television, and news media. Along with consumer culture ideals, new and increased media brought with it public debates about democracy, human rights issues, and religious freedom, and may have paved the way for a “new Arab consumer culture to emerge” (Kalliny). During the Arab Spring, several governments resorted to shutting down the internet to regain control and disable the movements.

While it may be hard to imagine the United States government resorting to shutting the internet down the way some Arab countries did during the Arab Spring, India may serve as a warning as to how a democratic nation’s right to free speech and access to information can be gradually eroded in the interest of national security. In 2012, OpenNet Initiative (ONI) published their report on the state of internet freedom in India. At the time of the case study, the Indian government participated in selective filtering and censoring of content related to sensitive issues such as, “conflicts between castes and religious groups, and in the ongoing dispute with Pakistan over Kashmir”, that could potentially incite violence (Deibert p. 300). Through collaboration between government and internet service providers, websites and/or webpages containing content deemed sensitive by government authorities were covertly blocked; the user saw only a “server not found” error page. The types of content blocked varied from extremist Hindu groups, American right-wing commentary, and pornographic material, as well as sites referencing, “human rights and free expression” (Deibert p. 304-305). The ONI report followed a legislative change made in 2008, which had broadened the Indian government’s legal authority over online content. The authors concluded that the vague language in the new laws, “could signal stronger government monitoring in the future” (Deibert p. 305).

A mere seven years later, the state of internet censorship in India had completely transformed from selective censorship to domination. In December 2019, the BBC reported that India had shut down the internet 95 times in that year— sometimes for months. In the previous year, India reportedly had the highest number of internet shutdowns in the world, at 124, followed by Pakistan, at a whopping 12 (Nazmi). The slow erosion of internet freedom in India, which has led to the loss of the right to access, in the interest of national defense may seem like a good argument for an unregulated internet. According to OpenNet Initiative, however, it is the *vagueness* of the laws, not the presence of the laws, that may be at fault (Deibert pp. 302-305). As the United States confronts issues like election interference, misinformation, and polarization, more specific regulations on media platforms and publishers will be key to addressing these elements as well as preventing government censorship.

While steps have been taken to address the issue of election interference on social media in the U.S., the efforts so far have been volunteered by social media outlets themselves. Jamieson discusses some of the regulatory changes in her book, *Cyberwar*. Facebook, for instance has elected to remove “troll accounts” and content and developed AI to identify potential fake accounts before they have a chance to post or spread misleading and/or malicious content. Tumblr has started sending notifications to users who may have interacted with a fake account, which raises the user’s awareness of the issue of fake accounts but may also help the author to reconsider any information previously received from that account. In 2017, the Federal Election Commission began requiring Facebook to disclose the funder of political ads shared on the platform. YouTube and Google have followed the lead and begun to disclose the financier of ads placed on their platforms as well. Other efforts include Facebook’s updated algorithm which automatically posts fact-checked links next to content that has been debunked (Jamieson pp. 218-

220). Regardless of the voluntary efforts made by some social media platforms, the legal protections of these platforms by Section 230, raise the question as to what the real ramifications are for social media platforms who do not take their role of media technology seriously.

Section 230, a provision of the Communications Decency Act, allows online platforms to filter content and provides protection for platforms. This provision is meant to protect the platform from being held liable for content that is posted by a third-party user, stating that, “no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.” (Cornell). While the provision appears to protect free speech, insofar as it does not pressure platforms to censor their users for fear of liability, it is important to note that it also does not act as a motivator for social media platforms to allocate time, money, or resources to address the spread of misinformation, harassment, or other types of concerning speech. According to the 2019 article, “Are social media companies motivated to be good corporate citizens? Examination of the connection between corporate social responsibility and social media safety” by Jennifer Grygiel and Nina Brown, the voluntary efforts by social media platforms are nowhere near sufficient to address the ongoing issues of online harassment. During the Camden Conference, Kathleen Hall Jamieson, Maria Ressa, and Joshua Tucker all discussed the pressing need for new types of media funding models and regulations addressing news media standards. Nicco Mele asserted that the media has a special responsibility to society, since it shapes public opinion.

New media pose many challenges regarding misinformation, harassment, polarization, and election fraud, which the U.S. government should address by creating policies which hold platforms accountable for their promises, rather than by interfering directly. The United States cannot rely on social media platforms and financially motivated news outlets to regulate

themselves with impunity. Even Jeff Jarvis, who titled his talk at the Camden Conference, “Hands Off Our Net!” admitted that some regulation is needed. While he asserted that it is crucial for society that conversations include everyone, he also recognized the need for regulations that hold platforms and publishers accountable to the promises they make to the public. While it is imperative that the U.S address the issues confronting it; it is equally important to remember that, “the net is a net good” (Jarvis). News media must improve training and regulatory procedures to ensure that sensitive material is properly sourced and vetted before it is disseminated to the public. The role of commentator vs. reporter must be clearly defined and communicated to audiences. Social media outlets should have clear, consistent standards for recognizing and regulating fake accounts and misinformation. The purpose and implementation of algorithms on social media should be made public. Information regarding the use of personal data should be made public. Policy initiatives which define data ownership and accessibility standards need to be drafted. Perhaps most essentially, all efforts to combat the problems of new media must be done with the intent to preserve an open internet that promotes a free exchange of ideas—or as Jarvis put it: “the conversation of society”.

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